

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Bail Appl..No. 536 of 2015 ()

**CRIME NO. 69/2015 OF KALLAMBALAM POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONERS/NOT ARRYAED AS ACCUSED :

1. NISHAD, AGED 25 YEARS,
S/O SHARAFUDEEN, NISHAM MANZIL, KULAMUTTOM (PO)
VARKALA, THIRUVANANTHAPURAM DISTRICT.
2. AFSAL, AGED 30 YEARS,
S/O KALAM, AFSAL LAND, KULAMUTTOM (PO)
VARKALA, THIRUVANANTHAPURAM DISTRICT.
3. SHABEER, AGED 25 YEARS,
S/O KABEER, KUNNIL VEEDU, KULAMUTTOM (PO)
VARKALA, THIRUVANANTHAPURAM DISTRICT.
4. SULFIKAR, AGED 28 YEARS,
S/O ABDUL HAQ, LAKSHAMVEEDU, KULAMUTTOM (PO)
VARKALA, THIRUVANANTHAPURAM DISTRICT.
5. BALACHANDRAN, AGED 55 YEARS,
S/O SUDHAKARAN, VARUVILAKATHU VEEDU, KULAMUTTOM (PO)
VARKALA, THIRUVANANTHAPURAM DISTRICT.
6. ANI, AGED 48 YEARS
S/O SHAHUL HAMEED, CHAMAVILA VEEDU, KULAMUTTOM (PO)
VARKALA, THIRUVANANTHAPURAM DISTRICT.
7. FIROZ @ ANI, AGED 48 YEARS,
S/O ABDUL SAMEED, SHABEER MANZIL, KULAMUTTOM (PO)
VARKALA, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.N.SUNIL JOSEPH

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031
REPRESENTING THE SUB INSPECTOR OF POLICE
KALLAMBALAM POLICE STATION
THIRUVANANTHAPURAM DISTRICT-695001.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K. ABRAHAM MATHEW, J.

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B.A.No. 536 of 2015

Dated this the 6th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners apprehend that they will be arrested by the police in Crime No. 69 of 2015 of Kallambalam Police Station registered for the offence under Section 394 of the Indian Penal Code. The prosecution case is that they robbed the victim of Rs.2,000/-.

3. Heard.

4. Learned Public Prosecutor submits that petitioners 3, 4, 6 and 7 have not been arrayed as accused. Learned counsel submits that the application is not pressed so far as the second petitioner is concerned. This Court has already granted anticipatory bail to the first and second accused in Bail Application No. 543 of 2015. There is no reason why it shall be denied to the petitioners 1 and 5.

In the result, this application is allowed in part.

1)The petitioners 1 and 5 will be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

- 2) *Each of petitioners shall deposit Rs.500/- (Rupees five hundred only) in the trial court within seven days.*
- 3) *They shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 4) *They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 5) *They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every Friday for four months or till the final report is filed, whichever is earlier.*
- 6) *They shall not intimidate or attempt to influence the witnesses.*
- 7) *They shall not destroy or tamper with evidence.*
- 8) *They shall not get themselves involved in any other criminal case while they are on bail.*

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law. The application is dismissed so far as the other petitioners are concerned.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge